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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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MALIBU MEDIA, LLC,

Civil Action No. 3:13-cv-01159-FLW-LHG

Plaintiff,

v.

JOHN DOE subscriber assigned IP address  
69.142.160.33,

Defendant.

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**MOTION FOR LEAVE TO SERVE A THIRD PARTY SUBPOENA PRIOR TO A RULE  
26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Memorandum of Law in support of this motion; and (2) Declaration of Tobias Fieser in support of this motion, Malibu Media, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Dated: March 7, 2013

Respectfully submitted,

By: /s/ Patrick J. Cerillo  
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